

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

UNITED STATES OF AMERICA

v.

RUSSELL LUCIUS LAFFITTE,

Defendant.

Case No.: 9:22-cr-00658-RMG

**DEFENDANT RUSSELL LUCIUS LAFFITTE’S MOTION TO SEAL
SENTENCING MEMORANDUM AND MOTION FOR DOWNWARD VARIANCE**

In accordance with Federal Rules of Criminal Procedure 6(e) and 49, and Local Criminal Rule 49.01 (D.S.C.), Defendant Russell Lucius Laffitte (“Mr. Laffitte”), by and through undersigned counsel, respectfully moves this Court for leave to file under seal his Sentencing Memorandum and Motion for Downward Variance. Mr. Laffitte respectfully submits that his Sentencing Memorandum and Motion for Downward Variance should be filed under seal because it contains extensive information from his presentence report and discussion of such information from the presentence report throughout the document, such that redaction would not be practical. *See United States v. Figurski*, 545 F.2d 389, 391 (4th Cir. 1976) (“information contained in a presentence report should not be disclosed to third parties”) (cleaned up); *United States v. Harris*, 890 F.3d 480, 492 (4th Cir. 2018) (“conclude[ing] that the district court should have allowed [the defendant] to file his sentencing memorandum under seal”); *United States v. Coxton*, 598 F.Supp.2d 737, 738–39 (W.D.N.C. 2009) (“[I]t is well established that PSRs are confidential documents, and there is a strong presumption against such disclosure.”). The Sentencing Memorandum and Motion for Downward Variance also contains personal information and information regarding Mr. Laffitte’s family. *See United States v. Ng*, No. CR20-0172-JCC, 2022

WL 1078868, at *1 (W.D. Wash. Apr. 11, 2022) (ordering sentencing memorandum information to be under seal “on the basis that they contain personal and sensitive identifying information”).

Undersigned counsel has consulted with the government and the government consents to the filing of Mr. Laffitte’s Sentencing Memorandum and Motion for Downward Variance under seal.

Mr. Laffitte certifies that his Sentencing Memorandum and Motion for Downward Variance he seeks to file under seal meets the factors for sealing documents set out by the Fourth Circuit in *Ashcraft v. Conoco, Inc.* 218 F.3d 288, 302 (4th Cir. 2000), and *In re Knight Pub Co.*, 743 F.2d 231, 235 (4th Cir. 1984). Specifically:

1. Public notice of the request to seal and opportunity to object is afforded by virtue of this publicly filed motion and the description of the subject document in the chart attached as **Attachment A** hereto.
2. Confidential material appears throughout the subject document and therefore, redaction is not practical.
3. There is good reason to seal the requested documents. The material contained in the subject document involves confidential information and the document does not relate to any important historical public event.

Accordingly, Mr. Laffitte respectfully requests that this Court grant leave to file under seal his Sentencing Memorandum and Motion for Downward Variance. All documents under seal will be submitted to the Court and to the government. A non-confidential descriptive index of the documents at issue is attached to this Motion as **Attachment A**. Undersigned Counsel hereby certifies compliance with Local Criminal Rule 49.01. *See Attachment B*.

[signature page follows]

Respectfully submitted,

s/Michael A. Parente

Mark C. Moore (Fed. ID No. 4956)

Michael A. Parente (Fed. ID No. 13358)

MAYNARD NEXSEN PC

1230 Main Street, Suite 700 (29201)

Post Office Box 2426

Columbia, SC 29202

Phone: 803.771.8900

Fax: 803.727.1458

MMoore@maynardnexsen.com

MParente@maynardnexsen.com

Attorneys for Defendant Russell Lucius Laffitte

July 27, 2023

Columbia, South Carolina